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MEMO ENDORSED

January 26, 2022

BY ECF

Hon. Barbara C. Moses
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *N.J. obo G.J. v. N.Y. City Dep't of Educ., et al.*
Index No. 18 CV 6173 (JMF) (BCM)

Dear Judge Moses,

I am an Assistant Corporation Counsel in the Office of Georgia M. Pestana, Corporation Counsel of the City of New York, attorney for the Defendants in the case referenced above. I write to respectfully request an adjournment of the settlement conference currently scheduled for next Monday, January 31, 2022, at 2:15 P.M.

As noted in Defendants' letter to the Court earlier this week, Defendants have not yet received comptroller approval for a settlement, and additional time is needed to consider Defendants' application. Relatedly, additional time is needed to comply with the terms of the Court's Order Scheduling Settlement Conference, dated December 10, 2021, particularly the pre-conference settlement discussion requirement. Defendants respectfully request that the Court adjourn the conference, and reschedule it for a date soon thereafter that is convenient for the Court. The parties presently are available on the afternoon of February 11, 2022, the morning of February 17, 2022, and anytime on February 18, 2022.¹

¹ In an effort to comply with paragraph 7 of the Court's Order dated December 10, 2021, counsel for the parties phoned chambers this afternoon to ascertain the Court's availability. We were not able to get through, and thus could not determine the Court's availability before proposing these dates. The parties agreed, however, that we should not wait to make this application.

This is the first such request Defendants have made. I have communicated with Elisa Hyman, Esq., Plaintiffs' attorney, and she consents to the proposed adjournment.

Additionally, representatives from the Department of Education with authority to act on behalf of the agency will attend the conference, whenever it is scheduled. Defendants also respectfully request that the Court permit Defendants to proceed without a representative from the New York City Comptroller's Office. Instead, Defendants respectfully propose that a representative from that Office be available, and be permitted to dial in if needed. Ms. Hyman has no objection.

Thank you for your consideration of this matter.

Respectfully submitted,

s/

Andrew J. Rauchberg
Assistant Corporation Counsel

cc: Elisa Hyman, Esq.
The Law Offices of Elisa Hyman, P.C.
Attorneys for Plaintiffs

Application GRANTED. The January 31, 2022 settlement conference is ADJOURNED to **February 17, 2022 at 2:15 p.m.** No later than one week (seven calendar days) before the conference, each party shall submit their pre-conference papers to chambers by email, addressed to Moses_NYSDChambers@nysd.uscourts.gov, marked "Confidential Material for Use Only at Settlement Conference." SO ORDERED.



Barbara Moses
United Magistrate Judge
January 27, 2022